

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN SLOAN,) Civil Action No. 2: 16-cv-1182
Plaintiff,) United States District Judge
v.) Nora Barry Fischer
PA DEPT. OF CORRECTIONS, SCI-)
MERCER, SUPERINTENDENT)
THOMPSON, CAPT. SULLENBERGER,)
MR. BOGGS, MR. BROMLEY,)
MR. DELLORSO, MS. BOAL, MR.)
WOODS, MS. ENGSTROM, CORRECT)
CARE SOLUTIONS,)
MR. RICHARD ELLERS, DR. SCOTT)
SCOTT MORGAN, AND MS. KAREN)
FEATHER,)
Defendants.)

MEMORANDUM OPINION

This prisoner civil rights suit was commenced on August 5, 2016, and referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. Following the disposition of 12(b)(6) motions, all Defendants¹ filed motions for summary judgment, to which Plaintiff filed a brief in opposition.

The Magistrate Judge's reports and recommendations ("R&Rs), dated October 25, 2018, recommended that the motion for summary judgment filed by the DOC Defendants be granted based on Plaintiff's failure to exhaust his administrative remedies as required by the Prison

¹ Defendants in this case are comprised of the "DOC Defendants": Boggs, Bromley, Dellorso, Engstrom, Sullenberger, Thompson, and Woods; and the "Medical Defendants": Correct Care Solutions, LLC; Ellers, Feather, and Morgan.

Litigation Reform Act (ECF No. 109) and that the motion for summary judgment filed by the Medical Defendants be granted as to Plaintiff's constitutional claims. (ECF No. 110). The R&R further recommended that the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims against the Medical Defendants. (*Id.*) After being granted an extension of time in which to file objections, Plaintiff filed timely objections to both R&Rs. (ECF No. 113).

The filing of timely objections requires the court to "make a *de novo* determination of those portions of the report or specified findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *Sample v. Diecks*, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); Fed.R.Civ.P.72(b)(3). In doing so, the Court may accept, reject, or modify, in whole or in part, the findings and recommendations contained in the report. 28 U.S.C. § 636(b)(1)(C).

After *de novo* review of the pleadings and documents in this case, together with the reports and recommendations, and the objections thereto, the Court finds that Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge. Therefore, the motion for summary judgment filed by the DOC Defendants will be granted based on Plaintiff's failure to exhaust his administrative remedies. The motion for summary judgment filed by the Medical Defendants will be granted as to all constitutional claims. The Court will decline to exercise supplemental jurisdiction over the state law claims Plaintiff has brought against the Medical Defendants and, therefore, these claims will be dismissed without prejudice for want of jurisdiction. An appropriate Order will be entered.

Dated: December 17, 2018

BY THE COURT:

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: JOHN SLOAN
KH 0937
SCI Mercer
801 Butler Pike
Mercer, PA 16137
(via U.S. First Class Mail)

All Counsel of Record
(via ECF electronic notification)